

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

MARY HOLMES, L.V., and EMPOWER
MISSOURI,

Plaintiffs,

-against-

ROBERT KNODELL, in his official capacity
as Acting Director of the Missouri Department
of Social Services,

Defendant.

No. 2:22-cv-04026-MDH

**PLAINTIFF L.V.'S MOTION TO
PROCEED ANONYMOUSLY**

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As set forth more fully below, Plaintiff L.V. moves the Court to permit her to proceed anonymously—that is, that she be named only by the initials L.V. in any public document—in this action, and offers the following in support of this request.

Standard of Review

Appellate courts review district court orders on motions to proceed anonymously for abuse of discretion. *Doe v. Village of Deerfield*, 819 F.3d 372, 377 (11th Cir. 2016). A court will abuse its discretion if in denying a motion to remain anonymous; it “fails to actually consider the circumstances of the case and to weigh the relevant factors and instead follows a blanket rule in making its final decision.” *Plaintiff B. v. Francis*, 631 F.3d 1310, 1315 (11th Cir. 2011) (holding district court abused its discretion in denying motions to proceed anonymously).

Relevant Facts

Plaintiff L.V. is the survivor of domestic violence who has fled her former abuser.¹ She seeks to keep her name out of the public record in order to maintain her own safety and that of her minor children. Her present physical condition makes her particularly vulnerable, and unable to flee easily should her former abuser learn of her present residence.

Authorities and Argument

While Fed. R. Civ. P. 10(a) usually requires parties to identify themselves in pleadings, a district court has discretion to permit a plaintiff to proceed anonymously when the plaintiff “has a substantial privacy right which outweighs the customary constitutionally-embedded presumption of openness in judicial proceedings.” *W.G.A. v. Priority Pharmacy, Inc.*, 184 F.R.D. 616, 617 (E.D. Mo. 1999). A plaintiff seeking to proceed anonymously must “demonstrate ‘exceptional circumstances’ that outweigh both the public policy in favor of identified parties and the prejudice to the opposing party that would result from anonymity.” *Doe v. Village of Deerfield*, 819 at 376 (internal quotations omitted). Courts should authorize a litigant to use a fictitious name when doing so would protect “particularly vulnerable parties.” *Doe v. Blue Cross & Blue Shield United of Wis.*, 112 F.3d 869, 872 (7th Cir. 1997).

Here, Plaintiff L.V. and her minor children are vulnerable, and she seeks anonymity in this action to maintain her family’s physical safety. Defendant will not be prejudiced by her proceeding anonymously in this action, as she will reveal her legal name and identifying information to

¹ Simultaneously with this motion, Plaintiff L.V. is filing a Motion to Seal Declaration. She intends to offer a declaration in support of this motion with details to establish the exceptional circumstances that support her request to proceed anonymously in this action, and for her protection asks the court to accept that document under seal.

Defendant. Similarly, the risk of harm from exposing L.V.'s legal name (along with her county of residence) must overcome the public's interest in the openness of these judicial proceedings.

Conclusion

For the foregoing reasons, Plaintiff L.V. requests that the Court grant her permission to proceed anonymously in this action.

Dated: St. Louis, Missouri
February 22, 2022

Respectfully submitted,

/s/ Andrew J. Scavotto

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**Motion for Pro Hac Vice Admission pending*